

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 9470 of 1995

Between:

Omkardas Mahant S/o. Mannadasji
Gangaram Mutt, Patnoolu Veedhi, Tirupati, Chittoor District.

..... PETITIONER

AND

- 1 The District Collector, Chittoor, Chittoor District.
- 2 The Mandal Revenue Officer, Tirupati Urban Mandal, Chittoor District.
- 3 Sri Venkateswara University, Tirupati, Chittoor District,

rep. by its Registrar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondents in unauthorisedly interfering with the properties of the petitioner in Survey No. 588/B over an extent of Ac.13.47 cents and in Survey No. 588/A over an extent of Ac.2.00 of Tirupati Village Accounts covered under the Title Deed No. 2539, dt. 4-4-1865 and put fencing for the purpose of commencing plantation of the Estates Abolition Act, being violative of Arts. 14, 21 and 300-A of the Constitution of India, and consequently direct the respondents, not to interfere with the peaceful possession and enjoyment of the properties of the petitioner relating to an extent of Ac. 13.47 cents in Survey No. 588/B and an extent of Ac.2.00 in survey No.588/A of Tirupati Village Accounts either by changing the physical features or otherwise.

Counsel for the Petitioner:MR.D.RAMESH

Counsel for the Respondents 1 & 2 : GP FOR REVENUE

Counsel for the Respondent No.3: Standing Counsel for S.V.University

The Court made the following :

ORDER:

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This writ petition is filed by the petitioner invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking for a direction in the nature of writ of mandamus to declare the action of the respondents in unauthorisedly interfering with the properties of the petitioner situate in S.No:588/B admeansuing Ac.13.47 cents and S.No:588/A admeasuring Ac.2.00 of Tirupati village covered by the title deed No:2539, dated 4.4.1865 and putting fencing for the purpose of commencing plantation and building activities as arbitrary and illegal and also to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the same.

When this writ petition is taken up for hearing, it is brought to the notice of this Court by the learned Government pleader that in the land covered by Survey No.588/B, Sri Venkateshwara University Guest House is existing and likewise, in Survey No.588A, permanent structures pertaining to S.V. Arts college, Sanskrit Vidyapeeth, S.V.R.R. Government General Hospital, S.V.University Campus School, Veterinary College and S.V.Agricultural College, are existing.

In this view of the matter, the dispute in question, which is purely a matter of civil in nature, cannot be decided in this writ petition by exercising the powers under Article 226 of the Constitution of India and therefore, there are no merits to entertain this writ petition.

The writ petition is accordingly dismissed. No costs.

16-09-2004

Stp

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, Chittoor, Chittoor District.
- 2 The Mandal Revenue Officer, Tirupati Urban Mandal, Chittoor District.
- 3 The Registrar, Sri Venkateswara University, Tirupati, Chittoor District,
- 4 2CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
- 5 2CD copies

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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